

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EPLET, LLC, not individually but solely in its
Representative capacity as Administrative Trustee of
Revitalizing Auto Communities Response Trust, and
RACER PROPERTIES LLC,

Plaintiffs,

vs.

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS**

Civil Action No. 5:18-cv-01267 (DNH/ATB)

NATIONAL GRID USA, NIAGARA MOHAWK POWER
CORPORATION, CARRIER CORPORATION, UNITED
TECHNOLOGIES CORPORATION, CARLYLE AIR
CONDITIONING COMPANY, INC., GENERAL ELECTRIC
COMPANY, BRISTOL-MYERS SQUIBB COMPANY, NEW
PROCESS GEAR CORPORATION, NEW PROCESS GEAR,
INC., MAGNA POWERTRAIN USA, INC., OLD CARCO LLC,
OLD CARCO LIQUIDATION TRUST, SOLVENTS AND
PETROLEUM SERVICE, INC., THOMPSON CORNERS LLC,
METALICO SYRACUSE REALTY, INC., METALICO NEW
YORK, INC., ALERIS PARTNERS LLC, COOPER
CROUSE-HINDS, LLC, GARDNER DENVER, INC.,
HONEYWELL INTERNATIONAL INC., OLD ELECTRIC
INCORPORATED, ONX1 LLC, LOCKHEED MARTIN
CORPORATION, ONONDAGA POTTERY COMPANY, INC.,
AMPARIT INDUSTRIES, LLC, 6181 THOMPSON ROAD, LLC,
CARRIER CIRCLE BUSINESS COMPLEX LLC, TELESECTOR
RESOURCES GROUP, INC., WESTERN ELECTRIC COMPANY,
INCORPORATED, NOKIA OF AMERICA CORPORATION,
FULTON IRON & STEEL CO. INC., SYRACUSE LEPAGE LLC,
LENNOX INDUSTRIES INC., SYRACUSE DEERE ROAD
ASSOCIATES, LLC, JAGAR ENTERPRISES, INC., BURKO
CORPORATION, EMPIRE PIPELINE CORPORATION,
CALOCERINOS AND SPINA, C & S ENGINEERS, INC., B&B
FAMILY LIMITED PARTNERSHIP, NORTHERN INDUSTRIAL
HOLDING, LLC, UNITED STATES HOFFMAN MACHINERY
CORPORATION, THOMPSON NW, LLC, THOMPSON LAWN,
LLC, HAULER'S FACILITY LLC, NORTHEAST MANAGEMENT
SERVICES, INC., and NORTH MIDLER PROPERTIES LLC,

Defendants.

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Kristin Carter Rowe, Esq., dated February 16, 2022, with Exhibits A through C annexed thereto, the accompanying Defendants' Memorandum of Law in Support of Motion to Dismiss, and upon all prior papers and pleadings in this matter, and in accordance with the November 5, 2021 Text Order of the Honorable David N. Hurd, the Defendants identified below will move this Court on June 24, 2022, at 10:00 AM or as soon thereafter as counsel can be heard, before the Honorable David N. Hurd, United States District Judge, Northern District of New York, James T. Foley Courthouse, Suite 509, 445 Broadway, Albany, New York, for an Order granting Defendants' motion to dismiss Plaintiffs' Second Amended Complaint, dated November 17, 2021, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP"), and granting such other and further relief as this Court deems just and/or appropriate.

Respectfully submitted,

Dated: February 16, 2022
Albany, New York

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